

MILITARY SERVICE MEMBERS. (a) A military service member who suspends or terminates a service under Section 606.002 and whose period of active duty military service has ended may reinstate the service by providing:

(1) a written notice of reinstatement to the service provider of the suspended or terminated service; and

(2) a document evidencing proof of the date the active duty military service ends not later than the 90th day after the date on which the service member's active duty military service ended.

(b) A service provider that receives a written notice of reinstatement of a service and the documentation required by Subsection (a)(2) shall:

(1) resume providing the same services the service provider provided to the military service member on the same terms and conditions agreed to by the service member and the service provider before the suspension or termination of those services took effect; or

(2) if the same services are no longer available, provide services that are substantially similar to the services that were suspended or terminated.

(c) A service provider shall reinstate a service as provided by Subsection (b) within a reasonable time, but not later than the 30th day after the date the service provider receives a written notice of reinstatement.

(d) A service provider may not charge a penalty, fee, loss of deposit, or other additional cost due to a reinstatement of services under this section.

SECTION 3. Chapter 606, Business & Commerce Code, as added by this Act, applies only to a contract for services entered into or renewed on or after the effective date of this Act.

SECTION 4. The change in law made by this Act applies only to a service member of the Texas military forces who is serving on state active duty or on state training and other duty on the effective date of this Act or who is ordered to such duty on or after that date.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on May 9, 2017: Yeas 145, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 3066 on May 25, 2017: Yeas 140, Nays 1, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective June 15, 2017.

**ADMINISTRATION OF AND ELIGIBILITY FOR
PARTICIPATION IN A VETERANS TREATMENT COURT
PROGRAM AND THE ISSUANCE OF ORDERS OF
NONDISCLOSURE FOR CERTAIN PARTICIPANTS WHO
SUCCESSFULLY COMPLETE THAT PROGRAM**

CHAPTER 889

H.B. No. 3069

AN ACT

relating to the administration of and eligibility for participation in a veterans treatment court program and the issuance of orders of nondisclosure for certain participants who successfully complete that program.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 124.001(b), Government Code, is amended to read as follows:

(b) If a defendant *who was arrested for or charged with, but not convicted of or placed on deferred adjudication community supervision for, an offense* successfully completes a veterans treatment court program, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the case against the defendant.

SECTION 2. Sections 124.002(a) and (c), Government Code, are amended to read as follows:

(a) The commissioners court of a county may establish a veterans treatment court program for persons arrested for, ~~or~~ charged with, *convicted of, or placed on deferred adjudication community supervision for* any misdemeanor or felony offense. A defendant is eligible to participate in a veterans treatment court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending *or in which the defendant was convicted or placed on deferred adjudication community supervision, as applicable*, finds that the defendant is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard, who:

(1) suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, or was a victim of military sexual trauma *if the injury, illness, disorder, or trauma* ~~[that]~~:

(A) occurred during or resulted from the defendant's military service; and

(B) affected the defendant's criminal conduct at issue in the case; or

(2) is a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1), Penal Code.

(c) Proof of matters described by Subsection (a) may be submitted to the *applicable criminal court* ~~[in which the criminal case is pending]~~ in any form the court determines to be appropriate, including military service and medical records, previous determinations of a disability by a veteran's organization or by the United States Department of Veterans Affairs, testimony or affidavits of other veterans or service members, and prior determinations of eligibility for benefits by any state or county veterans office. The court's findings must accompany any docketed case.

SECTION 3. Section 124.003(a), Government Code, is amended to read as follows:

(a) A veterans treatment court program established under this chapter must:

(1) *if there has not yet been a disposition in the criminal case*, ensure that a defendant eligible for participation in the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant *arrested for or charged with an offense* to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and

(4) ensure that the jurisdiction of the veterans treatment court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

SECTION 4. Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0727 to read as follows:

Sec. 411.0727. PROCEDURE FOLLOWING SUCCESSFUL COMPLETION OF

VETERANS TREATMENT COURT PROGRAM. (a) *This section applies only to a person who successfully completes a veterans treatment court program under Chapter 124 or former law.*

(b) *Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) is entitled to file with the court that placed the person in the veterans treatment court program a petition for an order of nondisclosure of criminal history record information under this section if the person:*

(1) *satisfies the requirements of this section and Section 411.074;*

(2) *has never been previously convicted of an offense listed in Article 42A.054(a), Code of Criminal Procedure, or a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure; and*

(3) *is not convicted of any felony offense between the date on which the person successfully completed the program and the second anniversary of that date.*

(c) *Regardless of whether the person was convicted of or placed on deferred adjudication community supervision for the offense for which the person entered the veterans treatment court program or whether the case against the person was dismissed under Section 124.001(b), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person entered the veterans treatment court program.*

(d) *A person may file with the court that placed the person in the veterans treatment court program a petition for an order of nondisclosure of criminal history record information under this section only on or after the second anniversary of the date the person successfully completed the program.*

(e) *A person is not entitled to petition the court for an order of nondisclosure of criminal history record information under this section if the person's entry into the veterans treatment court program arose as the result of a conviction of an offense involving the operation of a motor vehicle while intoxicated.*

SECTION 5. (a) The change in law made by this Act by amending Sections 124.002 and 124.003, Government Code, applies to a person who, on or after the effective date of this Act, enters a veterans treatment court program created under Chapter 124, Government Code, regardless of whether the person entering the program committed the offense for which the person enters the program before, on, or after the effective date of this Act.

(b) The change in law made by this Act by adding Section 411.0727, Government Code, applies to a person who, on or after the effective date of this Act, enters a veterans treatment court program created under Chapter 124, Government Code, or former law, regardless of whether the person entering the program committed the offense for which the person enters the program before, on, or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 143, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 3069 on May 26, 2017: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 23, 2017: Yeas 30, Nays 1.

Approved June 15, 2017.

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